IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5896 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHUPENDRABHAI M DESAI

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR AK CLERK for Petitioner

MR MD PANDYA for Respondents Nos.1-3

MR KALPESH M PANDIT for Respondents No. 4-18

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 03/10/2001

ORAL JUDGEMENT

Rule. Learned Counsel Mr.M.D.Pandya waives the service of Rule on behalf of respondents nos.1 to 3 and Mr.Kalpesh Pandit waives service of Rule on behalf of respondents nos.4 to 18.

The petitioner who is the Manager of Navsari Cotton & Silk Mills Ltd., Navsari in this petition has prayed for directing the respondents authorities to disconnect the power supply of the 3-phase connection bearing Service No.06601/00129/5 and Meter No.3075688 at

Technical Quarters, the Navsari Cotton & Silk Mills Ltd., which is in the name of the petitioner.

The petitioner has applied for disconnection of the said power supply on the ground that it is causing grave danger to the persons and properties of the Mill Company. The petitioner has made repeated requests to the respondents authorities to disconnect the power supply, but of no avail. It is the case of the petitioner that as per the order of the BIFR, revival scheme for the Mill through a Workers' Co-operative Society has been sanctioned and the Mill is required to dispose of the surplus land to make payment of GEB and other institutions. According to the petitioner, the Mill is unable to dispose of the surplus land because of the existing power connection. In substance, it is the say of the petitioner that if the power supply is not disconnected, the surplus land cannot be disposed of and if the surplus land is not disposed of, the scheme sanctioned by the BIFR will fail resulting in loss of employment of 600 workers and and the members of the co-operative society.

There is no dispute that the respondents nos.4 to 18 who, even after the closure of the Mill, have still occupied the quarters and are using the 3-phase power supply which is in the name of the petitioner. Learned Counsel appearing for the respondents nos. 4 to 18 submitted that they have approached the competent Court by way of appropriate proceedings and such proceedings are pending. On being asked as to whether the subject matter of the present petition is pending and/or whether any Court has restrained the petitioner as well as the Board from disconnecting the power supply or not, it was submitted that in the proceedings which are pending neither there is any interim order nor any order of disconnection of the power supply. In this view of the matter, prima facie it appears that the respondents nos.4 to 18 are not entitled to continue the 3-phase power supply which is in the name of the petitioner. The petitioner, under the circumstances, is entitled to the relief of disconnection of the said power supply. If at all the respondents nos.4 to 18 have any right to continue the possession of the quarters and to have the electric connection, they can independently apply for the same. However, on the ground that the proceedings are pending before the competent Court and especially when there are no interim orders in their favour, they cannot continue to have the 3-phase power connection from the GEB.

In the result, this petition is allowed. I direct the respondents Board to disconnect the 3-phase power supply of the petitioner, bearing Service No.06601/00129/5 and Meter No.3075688 forthwith, after recovering the outstanding dues, if any, from the petitioner to GEB. Rule is made absolute accordingly. No order as to costs.

Direct service is permitted.

(K.R. Vyas, J.)
Sreeram.